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AMENDMENTS TO LB 131

1 1. Strike the original sections and insert the following
2 sections:

3 "Section 1. Section 81-2,239, Revised Statutes
4 Supplement, 2004, is amended to read:

5 81-2,239. Sections 81-2,239 to 81-2,292 and section 3 of
6 this act and the provisions of the Food Code, the Food Salvage
7 Code, and the Current Good Manufacturing Practice In Manufacturing,
8 Packing, or Holding Human Food adopted by reference in sections
9 81-2,257.01 to 81-2,259, shall be known and may be cited as the
10 Nebraska Pure Food Act.

11 Sec. 2. Section 81-2,240, Revised Statutes Supplement,
12 2004, is amended to read:

13 81-2,240. For purposes of the Nebraska Pure Food Act,
14 unless the context otherwise requires, the definitions found in
15 sections 81-2,241 to 81-2,254.01 and section 3 of this act shall be
16 used. In addition, the definitions found in the codes and practice
17 adopted by reference in sections 81-2,257.01 to 81-2,259~~7~~ shall be
18 used.

19 Sec. 3. Commercial food establishment means an operation
20 with a permanent sales location and such location has more than one
21 hundred cubic feet of area containing food.

22 Sec. 4. Section 81-2,245.01, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 81-2,245.01. Food establishment shall mean an operation

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1 that stores, prepares, packages, serves, sells, vends, or otherwise
2 provides food for human consumption. The term does not include:

3 (1) An establishment or vending machine operation that
4 offers only prepackaged soft drinks, carbonated or noncarbonated; ~~7~~
5 ~~that do not contain a primary dairy product or dairy ingredient~~
6 ~~base or that contain less than fifteen percent natural fruit or~~
7 ~~vegetable juice~~ canned or bottled fruit and vegetable juices;
8 prepackaged ice; candy; chewing gum; potato or corn chips;
9 pretzels; cheese puffs and curls; crackers; popped popcorn; nuts
10 and edible seeds; and cookies, cakes, pies, and other pastries,
11 that are not potentially hazardous foods;

12 (2) A produce stand that only offers whole, uncut fresh
13 fruits and vegetables;

14 (3) A food processing plant;

15 (4) A salvage operation;

16 (5) A private home where food is prepared or served for
17 personal use, a small day care in the home, or a hunting lodge,
18 guest ranch, or other operation where no more than ten paying
19 guests eat meals in the home;

20 (6) A private home or other area where food that is not
21 potentially hazardous food is prepared: (a) For sale or service at
22 a religious, charitable, or fraternal organization's bake sale or
23 similar function; or (b) for sale directly to the consumer at a
24 farmers market if the consumer is informed by a clearly visible
25 placard at the sale location that the food was prepared in a
26 kitchen that is not subject to regulation and inspection by the
27 regulatory authority;

1 (7) A private home or other area where food is prepared
2 for distribution at a fund-raising event for a charitable purpose
3 if the consumer is informed by a clearly visible placard at the
4 serving location that the food was prepared in a kitchen that is
5 not subject to regulation and inspection by the regulatory
6 authority. This subdivision does not apply to a caterer or other
7 establishment providing food for the event if the caterer or
8 establishment receives compensation for providing the food;

9 (8) The location where food prepared by a caterer is
10 served so long as the caterer only minimally handles the food at
11 the serving location;

12 ~~(8)~~ (9) Educational institutions, health care facilities,
13 nursing homes, and governmental organizations which are inspected
14 by a state agency or a political subdivision other than the
15 regulatory authority for sanitation in the food preparation areas;
16 ~~and~~

17 ~~(9)~~ (10) A pharmacy as defined in section 71-425 if the
18 pharmacy only sells prepackaged pharmaceutical, medicinal, or
19 health supplement foods that are not potentially hazardous or foods
20 described in subdivision (1) of this section; and

21 (11) An establishment which is not a commercial food
22 establishment and which sells only commercially packaged foods that
23 are not potentially hazardous foods.

24 Sec. 5. Original section 81-2,245.01, Reissue Revised
25 Statutes of Nebraska, and sections 81-2,239 and 81-2,240, Revised
26 Statutes Supplement, 2004, are repealed."